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Association for Local Telecommunications Services

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JUL 24 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

July 24, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D. C. 20054

RE: CC Docket 97-137, Application by Ameritech Michigan for Authorization under Section 271 of the Communications Act to Provide In Region InterLATA Service in the State of Michigan.

Dear Mr. Caton:

On July 21, 1997 Mr. Martin Clift, Regional Director for Regulatory Affairs, Brooks Fiber Properties and myself, President of the Association for Local Telecommunications Services, Inc. (ALTS) met with Carol Matthey and Michele Carey of the Common Carrier Bureau to discuss the above-captioned docket. During the course of the discussion, the attached documents were distributed.

At this meeting, Brooks raised five key issues relative to the pending Ameritech application.

1. Ameritech continues to engage in unfair, anti-competitive practices as evidenced on the attached incidence report.
2. Ameritech has not yet achieved parity in the provision of service between its own customers and service to Brooks as required by the Telecommunications Act of 1996.
3. Necessary operational support systems for unbundled elements have not yet been fully deployed between Brooks and Ameritech as required by the Telecommunications Act of 1996.
4. Ameritech continues to withhold reciprocal compensation payments to Brooks for internet traffic in violation of the interconnection agreement between Brooks and Ameritech.
5. The availability of reliable statistics for measuring operational performance standards between the two companies has still not been perfected. Errors continue to be found in each companies reported data. Brooks has indicated that it has instituted a new service performance tracking

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Mr. William F. Caton

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system, which will update the data filed on June 10 in this proceeding. Until such systems are perfected there is no way of determining if Ameritech's performance relative to Brooks orders are in fact meeting established standards.

If you have any further questions on this matter, kindly contact the undersigned.

Sincerely,

A handwritten signature in cursive script, reading "Heather Burnett Gold". The signature is written in dark ink and is positioned above the printed name and title.

Heather Burnett Gold

President

attachments

cc: Carol Matthey  
Michele Carey



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JUL 24 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

July 9, 1997

Mr. Ted Edwards, VP-Sales, LEC  
Ameritech Information Industry Services  
350 North Orleans Street, Floor 3  
Chicago, IL 60654

Dear Ted:

I wish to call to your attention a very serious matter which involves a breach of confidentiality between Ameritech and Brooks.

Brooks has been working with two customers in Lansing, Absolute Micro and Student Bookstore. Both businesses are currently serviced by Ameritech so each signed an LOA [letter of agency] authorizing Brooks to obtain information regarding their current service packages. Both of their LOA's and CSR [customer service record] requests were faxed to Ameritech on June 17, 1997. These CSR's were faxed to an Ameritech business office at (800) 582-9266.

On June 23<sup>rd</sup>, an Ameritech representative telephoned Jeffrey Jacobs of Absolute Micro asking questions regarding their satisfaction of service. On June 21<sup>st</sup> Brad Ballien of the Student Bookstore received a letter from his Ameritech representative whom he had not been in contact with for almost 7-years. It is clear from these latest instances, as well as the many previous examples we have complained about in the past, that Ameritech is continuing to leak our CSR requests to your sales representatives.

Brooks is outraged that Ameritech, despite personal assurances to the contrary, is continuing to use our confidential and proprietary information to gain an unfair competitive advantage and to interfere with competition for local service. The use of Brooks' confidential and proprietary information by Ameritech's retail sales people is in direct violation of our interconnection agreement, constitutes unfair competition and violates long-standing principles of antitrust law. It must cease immediately.

Ted Edwards  
Ameritech  
July 9, 1997

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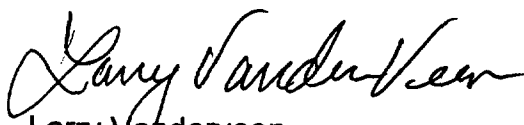
In light of these recent developments, it appears that Ameritech's policies and procedures for the protection of Brooks' confidential and proprietary information, specifically with regard to the protection of Brooks' inquiries for customer information from disclosure to Ameritech retail sales personnel, are either nonexistent or woefully inadequate. We suggest the Ameritech conduct a thorough review of those policies and procedures, and take immediate corrective actions to ensure that this never happens again. Please send me copies of any such policies and procedures as soon as possible so that we can conduct our own review.

Please also inform me of what, if any, disciplinary actions have been taken against the Ameritech personnel who have been improperly using Brooks' confidential and proprietary information. It is our position that any employees who improperly use Brooks' confidential and proprietary information, specifically with regard to the protection of Brooks' inquiries for customer information from disclosure to Ameritech retail sales personnel, should be immediately terminated. A strong reaction from Ameritech at this point would send a clear signal to any personnel who may be in a position to abuse Brooks' confidential and proprietary information that such activity will not be tolerated. A weak reaction will send the opposite signal.

This is a very serious matter. Any future actions we may decide to take with regard to this matter will depend upon your response to this letter. I would appreciate a prompt response in order to avoid any further such incidents.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, reading "Larry Vanderveen".

Larry Vanderveen  
Great Lakes Regional Vice President

cc: Katherine Brown, US Department of Justice—Antitrust Division

JUL 24 1997

## AMERITECH INCIDENTS - MICHIGAN (New)

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

17-Jul-97

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
115	CUSTER OFFICE EQUIPMENT	MARTIN CLIFT	UNFAIR COMPETITION	1
<p>As recently as yesterday, 6/16/97, an Ameritech representative called our prospective customer to tell them that the porting arrangement they had with Brooks would not work. Service is scheduled to cut this Thursday, 6/19/97. The customer, of course, got anxious and called our sales representative. We, at this point, had to calm the customer's fears. We think that we saved the account, but now the customer is nervous about the switch to Brooks.</p>				
116	FREEDOM VILLAGE	JIM SZYMANSKI	UNFAIR COMPETITION	1
<p>Ameritech shows up two weeks after the contract was signed with this customer--just to "look around". Ameritech said that Brooks could not provide the service they needed. Then all kinds of information (from Ameritech) that should go directly to Brooks (e.g. DA info, line assignments, number porting) just shows up at the customer's premises. Ameritech sales folks attempted to demonstrate what has to occur for them to switch to Brooks, and that porting, directory, DA service would be bad.</p> <p>Further delays in installing of T-1 facility and questioning how Brooks requested the order from Ameritech were also experienced.</p>				
117	CITY OF ZEELAND	JIM SZYMANSKI	UNFAIR COMPETITION	1
<p>Ameritech representatives called customer and requested the reasons why they were switching over to Brooks and constantly harrassed them. Ameritech attempted to have the customer call MPSC to gripe about the Brooks service.</p>				
118	ICS CORPORATION	CHRIS AGENTS	UNFAIR COMPETITION	1
<p>Customer ordered Brooks [BFC] service on 4/30/97 to a new building that they were moving into. BFC placed the order well in advance knowing that Ameritech [AMI] was going to need to install facilities. BFC requested a due date of 6/23. AMI said okay then called back and said, no, it was going to be July 10th. We said that was not acceptable so AMI said they would do it on July 1 but it was going to cost \$3000. This is where it gets interesting.....</p> <p>We thought this was too expensive so I called the customer on 6/12 and explained to him the games AMI was playing with Brooks. I suggested that he call AMI and order the service from them directly and lets see how much they are going to charge him. The customer called AMI on 6/13 at which time they said he would have service on 6/18 at a cost of \$168 for 4 lines. AMI later called the customer back saying the due date would be pushed back to July 1 due to the lack of facilities.</p> <p>The good part is AMI did not indicate that it was going to cost the customer any more than the original \$168 for 4 lines \$42 a line.</p> <p>The customer plans to switching to Brooks after all this game playing is finished.</p>				

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
122	DIRECTORY ASSISTANCE	ELLEN WILSON	UNFAIR COMPETITION	1
Subject: DIRECTORY ASSISTANCE GIVING TOO MUCH INFO.!				
Sales Support took a call today from a Lansing customer. He had called Directory Assistance for the Brooks number. The operator told him Brooks was firing a bunch of people and hiring retired AMI techs, or some story like that. It doesn't sound like something any D.A. operator would do, but that's what the guy said.				
124	ENGINEERING PROBLEMS	CARL COOPER	UNFAIR COMPETITION	1
We are still experiencing a general "slowness" or malaise form AMI on the requested turn up of trunks (especially ESF B8ZS grps) as well as the turn up of DS1's requested as leased facilities.				
They have also been unable to produce the criteria used to determine their internal status reports for Unbundled Loops. We have consistently requested the "universe" that AMI uses to arrive at their numbers. AMI has consistently avoided providing data.				
And in Toledo particularly, there has been an inexcusable lack of coordination and effort on AMI's part in the transfer of customers from AMI to BFC on the Unbundled Loops orders.				
In Lansing, BFC's 911 trunks were mysteriously turned down w/o notification to BFC. No plausible explanation was given.				
I don't know how you translate this into a verifiable argument, but somehow the FCC (and others) need to understand that AMI is NOT fostering a competitive environment but one in which they attempt to slow us or stall us at every opportunity. They are complying w/ the bare minimum it takes to avoid litigation and /or complaints, yet are also subtly frustrating customers to discourage them from becoming or remaining BFC customers.				
They keep falling back to "force and load" issues. My contention is that they can't possibly have the "force & load" to be successful in the long distance market if they can't keep up with little ol' Brooks. They should spare their customers (and ours) the grief.				
135	ABSOLUTE MICRO	WENDY FRIZ	UNFAIR COMPETITION	1
6/15: Brooks Sales representative called on customer who is currently serviced by Ameritech.				
6/17: Brooks receives LOA [letter of agency] from customer so that it can retrieve current service package information from Ameritech. Brooks faxes LOA and CSR [customer service record] request to Ameritech at 800-582-9266.				
6/23: An Ameritech representative calls customer inquiring about service quality.				

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
136	STUDENT BOOKSTORE	WENDY FRIZ	UNFAIR COMPETITION	1
6/15: Brooks called on this customer who is currently serviced by Ameritech.				
6/17: Brooks receives LOA [letter of agency] which authorizes it to retrieve information from Ameritech regarding customer's service package. The LOA and CSR [customer service record] request is faxed to Ameritech at 800-582-9266.				
6/21: On or about this day, the customer receives a letter from his Ameritech representative, whom he hasn't heard from in almost 7-years. The letter was primarily a service quality inquiry.				

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>
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121	EAGLE DESIGN & TECHNOLOG	JIM SZYMANSKI	INTERCONNECTION	2
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COPY OF EMAIL LETTER SENT TO RON CHOURA AT MPSC:

I was given your name by Jim Szymanski from Brooks Fiber as being someone I can register a complaint with against Ameritech.

We are a local ISP here in Zeeland, Michigan. In the past couple of months, we have been getting complaints from our customers that they are not able to dial our local phone numbers (741-xxxx for Zeeland, and 493-xxxx for Grand Rapids) through their Ameritech lines.

1. I have had two customers in the 335 area who were suddenly told that they must dial a 1-616 in front of 741-xxxx in order to reach our service. I instructed both of these customers to call Ameritech and have them add the Brooks 741 exchange back into their local calling area switch. It is my understanding that Ameritech took care of both of these customers.

2. We also have a customer in Caledonia (home phone 616-891-4050) who is being told that they must dial long distance to reach our local GR number of 493-9188. To my knowledge, Ameritech has not yet resolved this issue as of yet.

3. Today, I have a customer who lives 2-miles from our building and whose local number through Ameritech is 772-xxxx. They have long distance blocked from their telephone service and are being told that they must dial long distance to reach our 741-xxxx number. I instructed them to call Ameritech, which they did. They were told that this 741 was a Grand Rapids number and they would have to dial long distance.

I then proceeded to call Ameritech myself on their behalf. A repair service technician I reached at 221-2121 did some testing and called me back. She told me that the 741 number was a Grand Rapids number and that they could not dial it without dialing long distance, which is currently blocked on their line. She also told me that as of last April, the "community dialing" is no longer working. She explained to me that if I live in Holland, and I want to call Zeeland, I will now need to dial 1616 in some cases. I asked her if this was then considered a long distance call and she said "NO", not in all cases.

I then asked why someone would dial a "1" and she told me that that is how it is going to work from now on. Needless to say, now I have a customer 2-miles from our office who cannot use our service. I proceeded to tell her that this was totally unacceptable and she said she would pass the issue on to their engineers to see if they could do something about it but she didn't think so.

First of all, I need your help getting this issue resolved for our two customers mentioned in 2 & 3 above. Secondly, I would like to know what we can do to make sure that this doesn't happen again. We have 300+ customers who are not having this problem, why is this happening with people who get new service from Ameritech? Our customers should not be penalized and have their time wasted sitting on the phone with Ameritech just because we are using a Brooks Fiber Zeeland exchange.

It is my feeling that Ameritech is trying to cause problems for Brooks Fiber and this should not be tolerated. I would appreciate any assistance that you can give me with this matter to make sure that it does not happen again.

Thank you for your help.



<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
132	BYRON CENTER SWITCH ENTR	TOM NURNBERGER	UNFAIR COMPETITION	3

AN EMAIL FROM BROOKS FIBER'S OUTSIDE PLANT ENGINEERING (2-pages long):

"I am concerned about the way Ameritech is conducting their business with regards to our pending entry into their switching office in Byron Center, Michigan. I wish to bring to your attention several events that have transpired during the course of our negotiations.

At our initial on site meeting with Ameritech on 6-10-97, I had the pleasure of working with Ms. Marta Brechting ( facility engineer), and Mr. Mark Curtis (planning engineer), both of Ameritech. We (Brooks Fiber) requested dual entries, with separation, into their switching office located at 8427 Merton St., Byron Center, Michigan, 49315. We requested one meet point south or south and east of the office, near the corner of Merton and Prescott Streets (from which point we would build or rent due east along Prescott to our cable at Byron Center Ave.). We also requested one meet point out, to the north of their office, in order to build a totally diverse fiber ring configuration.

We were denied our preferred exit to the south, due to all the conduits being full. I asked if there were any innerducts available for our use (CO to meet point, and possible rental beyond) and was informed that all three innerducts were also being used. We were, however, give two diverse paths to the north. One, a duct terminating at the base of the riser pole (pole #E-12) immediately outside the office, on Merton St., and the other terminating at one of two poles north of 84th St. (½ block or 1 block north, depending).

The most suitable pole to use as a riser pole for the second location, was the pole furthest to the north, at the northwest corner of the intersection of Merton St., and Sherwood St. I requested this as the meet point location because the pole ½ block south (pole #8356) was underclassd, and located between two driveways (with no protection), with parking on both the road and field sides of the pole. (Any riser cable on this pole would always be vulnerable to vehicular damage and a source of service affecting outages.)

The records that Mark and Marta had with them, indicated a 4" conduit terminating at both of these poles. Additionally, a 300-24 copper cable appeared at the northern most pole, but the available records were not complete, and did not indicate as to weather the copper cable was direct buried, or utilized the 4" conduit. We three agreed that the best pole would be the one at the corner, and we assumed that the 300 pr. cable was in the conduit, although there was a 4" gray conduit with a duct plug at the northwest quadrant of the pole. With Mark's acquiescence, Marta agreed to check with the Ameritech construction department to determine if it would be possible to pull an additional 1" innerduct into the 4" conduit containing the copper cable, there-by allowing this pole to be use for our meet point / riser pole.

We returned to their switch office, and met with Mr. Arambula, at which point we agreed that; Ameritech would furnish the shelf numbers on the LGX bay (at which our cables terminated) so that I would be able to maintain complete records, Mr. Arambula would furnish the final sequential markings of the spliced cables (also for our records), Marta would let me know soonest as to which pole to the north would be the meet point pole, and Marta would also advise me as to how much cable I must provide at the top of the meet point poles for their portion of the placing and splicing operation.

On 23 June '97, I left a voice message with Marta's phone requesting any information about location, or cable lengths she might have for us.

On 27 June '97, I reached Marta by phone, and was referred to Mr. Arambula, since Marta had been instructed that he was to be the single point of contact, and had given him the information. I reached Jesse that morning, and was given the required cable footage's from the top of the proposed met poles, which turned out to be the one in front of the office, and the unsuitable one in the middle of the block to the north.

I explained again to Mr. Arambula the question about re-using the conduit containing the existing 300-24 copper cable, and asked if that had been verified. He

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
	<p>said that the meet pole was as stated, due to no conduit being available. I asked if he would have a problem with us placing a locate wire in the vacant 4" conduit at the base of the requested pole (since all their ducts were being used, and this one was vacant, it appeared to be unclaimed) to try to determine where it really went. Mr. Arambula emphatically denied any permission for us to even try something along those lines, and stated that Ameritech had the intention of using that 4" conduit, that was why it was not available for our use.</p> <p>Dan, I have several problems with this situation, as it has developed. First off, one of the three 1 1/4" innerducts, leaving the office to the south was vacant. Two did indeed have cables in them. The standard Ameritech practice does not generally permit a fiber splice in the first manhole out of the office. This indicates to me that there is a vacant innerduct (available for our use), extending out towards Byron Center Ave., following the path that would be very beneficial to us, and which was initially requested as one discreet leg of the fiber ring into this location.</p> <p>Secondly, as to the availability of conduit going to the intersection of Merton St. and Sherwood St., at the time of our field meet, and survey for meet point / riser pole location, the planning engineer did not indicate that they had anything in mind for any proposed use of any conduit in that area. Nor did the facility engineer. Indeed we all were suffering under the impression that the duct had a copper cable in it.</p> <p>Based on these observations, I personally believe that Ameritech may be obstructing our construction into this switch site, by forcing us (Brooks Fiber Comm.) into some very undesirable meet point locations, which may require costly construction methods, and possibly entail some delays.</p>			
105	AUTOCAM	JASON DEJONGH	INSTALLATIONS	4
	<p>This customer was receiving very poor service with Ameritech's loops so Brooks requested new loops from Ameritech. The new loops did not help the problem and actually caused the customer a lot of additional trouble (because the new loops were not installed properly), so we ran our own fiber into the customer and converted them on 4/24/97.</p> <p>The customer now finally has good quality service and is happy. However, Ameritech has charged Brooks for special construction. This charge is being contested.</p>			
119	VISSER & BOLTHOUSE	LISA BONNEMA	INSTALLATIONS	4
	<p>This customer was confirmed by Ameritech on 5/12/97 for new loops and porting. Now.....</p> <p>this customer has been suspended back to pre-engineering because AMI wants to charge us \$638.00 for needing 3-slick cards. Provisioning needs approval on this before we can proceed. It is kind of funny that AMI would confirm these new loops and now they are telling us they are going to charge us installation.</p>			
137	FRIS OFFICE OUTFITTERS	PAUL ABAIR	INSTALLATIONS	4
	<p>New loop was tied down to wrong CFA in Ameritech C.O. Line was down for 2 hours 15 minutes.</p>			

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
106	SAUL, PAT	TRISHA ARMSTRONG	CUT-OVER COORDINATION	5
<p>4/10/97: Original due date to cutover. Joe in Ameritech Unbundling reported bad cable pairs--referred to Cable Repair.</p> <p>4/15/97: still having (bad pair) cable problems--referred to Cable Repair again. Engineer at Ameritech (AMI) said should be done by 4/21, but hoped it would be done sooner. Same day, Brooks received a call from customer saying can call out but cannot receive calls. Joe (AMI) said he had no idea how this could happen. Verified phone #. Will attempt to call customer at work tomorrow to get more info.</p> <p>4/21/97: Unable to reach customer at work. Vicki (AMI) said cut to occur tomorrow now.</p> <p>4/22/97: Test call made to customer--phone is working fine now. Cutover completed.</p> <p>*****</p> <p>It was later determined that Ameritech disconnected customer while they were repairing cable at the cross box.</p>				
123	BUNTES PHARMACE	STEVE DEWITT	CUT-OVER COORDINATION	5
<p>This was a (5) line cut--(3) lines at this location and (2) at another in Zeeland. It took 40-minutes to get the lines and the poring complete. This was scheduled to start at 7am.</p>				
131	LAKELAND LIBRARY	SHERI PETERSON	CUT-OVER COORDINATION	5
<p>Loops on integrated SLC. Cut time was scheduled for 3pm. Received a call from Craig at Ameritech Unbundling saying his tech's information showed:</p> <p>"access between 7am - 5pm"</p> <p>Ameritech completed the cut at 10:20am.</p>				

<u>Record #</u>	<u>Customer</u>	<u>Reported By</u>	<u>Batch File</u>	
102	PROVISIONING	MARY MORSMAN	OSS - SYSTEMS	10

AMERITECH ASRs SENT & TRANSMISSION ERROR RATE

DATE	# ASR's Sent	# Not Rec'd	% Error
4/1/97	52	3	5.77%
4/2/97	57	4	7.02%
4/3/97	83	2	2.41%
4/4/97	52	0	0.00%
4/5/97	20	3	15.00%
4/7/97	45	0	0.00%
4/8/97	46	8	17.39%
4/9/97	70	3	4.29%
4/10/97	55	3	5.45%
4/11/97	80	2	2.50%
4/14/97	52	5	9.62%
4/15/97	86	1	1.16%
4/16/97	56	6	10.71%
4/17/97	143	7	4.90%
4/18/97	101	4	3.96%
4/21/97	51	0	0.00%
4/22/97	125	1	0.80%
4/23/97	129	5	3.88%
4/24/97	91	0	0.00%
4/25/97	93	2	2.15%
4/28/97	177	2	1.13%
4/29/97	114	4	3.51%
4/30/97	69	1	1.45%
TOTALS	1847	66	3.57% average error rate

128	SUNSET ASSOCIATION	CARI KAPENGA	DIALING PARITY / VALUE LINK	12
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From SALES: This customer is complaining that Ameritech caller id users are seeing his calls coming through as "Michigan Call". According to Nolan, this is an AMI fault. Ami has access to our database, but they are choosing not to access it. Contracts have been signed giving them access to our system. Is there anything Brooks can do so our customers name will show up on AMI caller ID?

Record Count = 18